

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Normal A. Mallory,

Civil No. 12-1645 (DWF/JJK)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Express Employment Professionals,
and McAfee & Taft,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated November 19, 2012. No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Magistrate Judge Jeffrey J. Keyes's November 19, 2012 Report and Recommendation (Doc. No. [27]) is **ADOPTED**.
2. Defendants' Motion to Dismiss (Doc. No. [14]), is **GRANTED IN PART** and **DENIED IN PART** as follows:

a. The motion is **GRANTED** with respect to Plaintiff's claims against McAfee & Taft, Plaintiff's gender and disability discrimination claims against Express, and Plaintiff's harassment claim against Express.

b. The motion is **DENIED** with respect to Plaintiff's race, color, and age discrimination claims against Express.

3. The Clerk's Office is directed to amend the caption in this case so that Defendant Express Employment Professionals is changed to Express Services, Inc., d/b/a Express Employment Professionals.

Dated: December 12, 2012

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge